

REMARKS

Claims 1-4 and 6 stand rejected under 35 U.S.C. §103 as being obvious when taking Mellace in view of Stanley et al. Mellace teaches a foldable beach chair with a pouch on the backrest for miscellaneous items. Stanley et al. teaches a cooling pillow container insert. The pillow insert has a foam core which is surrounded by a vinyl bag. The bag is sealed tight so that water can be added and held in the foam core. The foam core retains the cooling fluid to cool a person sitting on the pillow by heat transfer between the person and the cooling fluid held within the pillow.

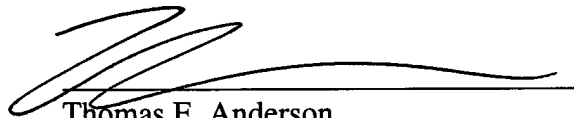
It is respectfully submitted that there is no suggestion to combine the teachings of Stanley et al. with Mellace. Moreover, the combination does not provide Applicant's invention. The Examiner is using hindsight reconstruction to use Applicant's teaching as a guide to reconstructing the invention. There is no teaching or suggestion in Mellace to provide cooling to the chair. Stanley et al., on the other hand, is directed to cooling, but there is no teaching that the pillow could be incorporated into the back of a chair or could be used as a material part of the pouch. Moreover, Stanley et al. teaches a watertight material and sealing it so that water can be held within. The combination of Mellace and Stanley et al. would not include Applicant's drain hole. If the drain hole was used with Stanley et al., the cooling fluid would leak out and the combination would be unworkable. Rather, Stanley et al. teaches a watertight bottom to prevent moisture from leaking out. Thus, it is respectfully submitted that there is no suggestion within the references to combine them or even if combined would arrive at Applicant's invention. Neither party recognizes the problem of providing a cooling beach chair. Accordingly, it is respectfully submitted that Applicant's invention is not obvious in view of these two references.

Serial No. 10/669,850
Reply to Office Action of January 7, 2005

Applicant has submitted new claims 7-10 which are commensurate in scope with claims 1-5 and the arguments with respect to claim 7 are the same.

If the Examiner has any further questions, Applicant's attorney may be reached at (248) 647-6000.

Respectfully submitted,



Thomas E. Anderson
Registration No. 31,318
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
2701 Troy Center Drive, Suite 330
P.O. Box 7021
Troy, MI 48007-7021
(248) 647-6000

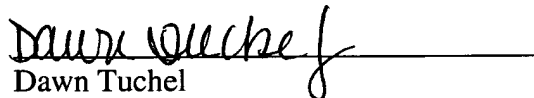
Attorney for Applicant

TEA/gs
GS-W:\Word Processing\tea\LJB10002-amd2.doc

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being sent to the United States Patent Office via facsimile () on 4/7/05, 2005.

EXP mail EV615555498 US


Dawn Tuchel